IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11563 of 2005

Between:

P. Ramachandra Rao, s/o Venkata Raju,

Aged 46 years, r/o Gandepalli (V & M) ,

East Godavari District

..... PETITIONER

AND

1. The Deputy Commissioner of Endowments, Endowments Department,Kakinada, East Godavari District.

2. Sri Chennakaswara Temple,Rep.by its Executive Officer, Gandepalli (village and Mandal) East Godavari District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction or directions more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent seeking to conduct auction vide Notice dated20-5-2005, scheduled to be held on 2-6-2005, in respect of land to the extent of 6 acres 6 cents situated in Survey No. 100, 103/2 in N.T. Rajapuram (v) East Godavari District as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.M.VIJAY KUMAR

Counsel for the Respondents.: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the respondent No.2 seeking to conduct auction vide notice dated 20-5-2005 scheduled to be held on 2-6-2005 in respect of the land, situated in Survey No. 100 and 103/2 in N.T. Rajapuram village, East Godavari District as arbitrary and illegal.

The facts in brief are that the petitioner is the tenant of the 2nd respondent temple lands on a monthly rent of Rs.20,000/- and he has started horticulture operations by raising palm oil trees. While so, the 2nd respondent issued a notice dated 20-5-2005 seeking to conduct auction of the said lands. The grievance of the petitioner is that he spent huge sum of amount for bringing the land viable for horticultural operations and that he just started getting yield of the said operations. Further, he is ready for enhancement of rent for a reasonable hike of about 20% and that he made a representation dated 12-5-2005 to this effect.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for respondents.

Admittedly, it is for the respondents to take appropriate decision in pursuance of the representation made by the petitioner. Therefore, without entering into the merits of the case, the writ petition is disposed of directing the respondents to pass appropriate orders on the representation of the petitioner dated 12-5-2005.

Writ Petition is accordingly disposed of. No order as to costs.

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K.C.Bhanu, J.

24th May, 2005.

Note:

C.C. in two days.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Commissioner of Endowments, Endowments Department,Kakinada, East Godavari District.
2. Executive Officer, Sri Chennakaswara Temple, Gandepalli (village and Mandal) East Godavari District.
3. 2 CCs to G.P. for Endowments, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies

5. 1 CC to MR.VIJAY KUMAR

THE HON'BLE MR JUSTICE K.C. BHANU

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24th May, 2005.